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At a Meeting of "*the Maryland Society for promoting the Abolition of Slavery, and the Relief of free Negroes, and others, unlawfully held in Bondage,*" held at Baltimore, the 4th of February, 1792,

RESOLVED, That the Report of the Committee of Grievances, in consequence of the complaint of Messrs. *Ezekiel John*, and *Edward Dorsey*, together with the Memorial presented to the General Assembly by this Society, and the Resolves of the House of Delegates, upon the said Report and Memorial, be published, for the information of their fellow-citizens, in the *Maryland Journal*, &c.

Resolved, That the same be accompanied with an Address to the Public, in vindication of the conduct of this Society from the charges contained in those Resolves of the House of Delegates.

Extract from the Minutes,

JOSEPH TOWNSEND, *Secretary.*

The COMMITTEE of GRIEVANCES, and COURTS of JUSTICE, Report,

THAT *Ezekiel John Dorsey*, of Baltimore County, and *Edward Dorsey*, son of *Edward*, of *Ann-Arundel* County, have laid before the committee complaints against the Society, in Baltimore County, for the Abolition of Slavery, for their improper interference with the slaves of the complainants.

They have stated and proved, to the satisfaction of the committee, that *Ezekiel John Dorsey* was possessed of a Mulatto slave, named *Jonathan*, and *Edward Dorsey* of a slave, who is brother to *Jonathan*, named *David*; that they purchased them as slaves seven or eight years ago, and neither of them ever claimed any title to freedom, until the month of January 1790, when they eloped from their masters' service, and got into the possession of the society.

That the said slaves preferred petitions for their freedom, in the Criminal Court of Baltimore County, and the complainants entered into the usual recognizance, to see them forthcoming, and to permit them to attend Court when necessary; they thereupon took them home, and, in a few days, the slave of *Ezekiel Dorsey* absconded, returned to Baltimore with a complaint of ill-treatment, which was inquired into, and the slave ordered to return to his masters' service; but complaining that he was sick, he was permitted to remain in custody of the society for twelve months, upon their entering into a recognizance to pay *Mr. Dorsey* for his labour, if, on a final hearing of the cause, he should not be adjudged free; and the slave remained for a twelve-month in possession of the society.—That the complainants, in defending the suits thus instituted and carried on, under the countenance and direction of the society, were put to very great expense in travelling to Pennsylvania, New-Jersey, and New-York, to execute commissions and obtain proof, to combat the testimony brought forward by the society, on behalf of the petitioners.—That at August term, 1790, the counsel for the Messrs. *Dorseys* urged a trial, which the society endeavoured to procrastinate, by praying for another commission to issue, which was granted; but proof,

obtained by the defendants, appearing satisfactory to the counsel for the petitioners, he candidly acknowledged that there appeared to be no foundation for their claim to freedom, and that it had been supported by misrepresentation from beginning to end; and he so informed the Court, and declared that he would not be concerned further in the business. At November term, the counsel for the defendants offered himself ready for trial, and the committee, who conducted for the society, perceiving that the judgment of the court must be against the petitioners, if a trial was had, withdrew the petitions, and immediately instituted them anew, without making any compensation to the defendant for the use of his slave, alleging that there had been no ultimate decision in the case.

That commissions again issued to Pennsylvania, at the instance of the petitioners, which, after some months delay, was executed, and returned a few days before the succeeding court; and during the execution of this commission, two persons were sworn, viz. *Sinai Elbert*, and *Alexander House*, of Philadelphia, who deposed, in a pointed manner, that the petitioners were free; and certificates were produced that they were people of character and credit; upon a view of this proof, the counsel for the defendants informed them, that unless it could be made to appear, that *Sinai Elbert* and *Alexander House* were not competent witnesses, the petitioners would obtain their freedom: It was now necessary that another commission should issue, to Pennsylvania, at the instance of the defendants, which issued accordingly, and, in the execution of this commission, it was satisfactorily proved, that *Sinai Elbert*, and *Alexander House*, were incompetent witnesses, being born slaves, and had been manumitted, some years since, by their respective masters; and it was also proved that *Sinai Elbert* was a person of obscene and indecent deportment and infamous character, and *Alexander House* a drunken worthless fellow; that, on return of the commission, the counsel for the defendants again insisted on a trial, and having destroyed the proof fabricated on the part of the petitioners, the petitions were again withdrawn, and new petitions filed; when

it was urged by the counsel for the defendants, the legal costs for the antecedent suits, and other costs should first be paid, and the court advised those who conducted for the society, to pay the costs, and to make compensation for the services of the slaves, which they refused; but the court was of opinion, that, by the laws now subsisting, they could not compel them to pay costs; and the defendants, were now reduced to the alternative of again recognizing, or of giving up their property.

The committee further report, that the said society in Baltimore-Town, are numerous, wealthy, and influential, composed principally of Quakers, Methodists, and emigrants from Ireland since the revolution; and that they are connected with another society, more numerous, in Philadelphia.

That the Messieurs Dorseys have incurred expenses in travelling to Pennsylvania, New-York, and New-Jersey, and attending the execution of commissions, to the amount of £. 250, which greatly exceeds the value of the slaves; and it appears to the committee, that from the numbers, wealth, influence and industry of the society, with their extensive connexions, an individual has but a slender chance of encountering them; and that if interest only was to be considered, he had better consent to give up a slave, than defend his right to him, when he is supported by such a powerful society:—That, whatever may be the views and intentions of the society in general, the committee are of opinion, that, in this instance, they have interfered in an improper, indecent, and unjustifiable manner, and that their conduct has been unjust and oppressive, and cannot be warranted upon any principle by which good citizens ought to be actuated:—They are, therefore, of opinion, that the legislature ought to adopt measures to remedy such grievances.

By Order,

A. GOLDER, Clerk.

THE MEMORIAL of "The Maryland Society for promoting the Abolition of Slavery, and the Relief of free Negroes, and others, unlawfully held in Bondage."

To the GENERAL ASSEMBLY of the STATE of MARYLAND.

YOUR memorialists have seen the copy of a report, which has been made to your honourable house by one of your committees, upon the complaint of Messrs. Ezekiel John Dorsey and Edward Dorsey, in which the committee, without having given your memorialists an opportunity of being heard, have, on an inquiry totally *ex parte*, thought proper to prejudge the conduct of your memorialists, and to brand them with censure, which only wants the circumstance of being just, to render them objects of abhorrence to the worthy part of the community.

Your memorialists would be wanting in justice to themselves, and shew a less regard, than what they really feel, for the good opinion of the honourable members of your house, including those gentlemen who have so hastily and incautiously passed sentence upon them, were they not to request the indulgence of being permitted to lay before you a plain, simple state of facts, relative to the petitions filed against the Messrs. Dorseys, and the manner in which they have been conducted; which is all that is wanting completely to vindicate your memorialists, and to cover their accusers with confusion.

Your memorialists state, that some time in the years 1778 and 1779, a certain Thomas De Witt, of Baltimore-Town, having been up North-River and the upper parts of the state of New-York, on his return from thence, at separate times, brought with him two Indian boys, the one aged about twelve or thirteen years, the other about two or three years younger, who were soon after sold by him as slaves, and in some little time after, one of them, whose name originally, and until after De Witt's purchase, was Fortune, though now

called Jonathan, came to the possession of Doctor Ezekiel John Dorsey; the other, whose name originally, and until after De Witt's purchase, was Simon, though now called David, came to the possession of Edward Dorsey: That those two boys, having lived with their respective masters until the beginning of the year 1790, and having both then arrived of age, and though young, and ignorant in a great degree of their rights, when brought from New-York by De Witt, and for some time before, almost totally separated from any intercourse with their mother, by being in the possession of different masters; yet having retained an idea that they were entitled to freedom, at the criminal court, which was held for Baltimore county, on the second Tuesday in January, 1790, preferred their petitions against their respective masters, claiming their freedom: Upon the appearance of the Messrs. Dorseys, and their entering into the usual recognizances, the petitioners were directed to return to their respective masters, and did actually return to their employ. Afterwards, and during the same court, the before-mentioned Fortune made a complaint against the said Ezekiel John Dorsey, alleging that he was treated with barbarity and cruelty; and, thereupon, the court finally decided, that if gentlemen of respectable character, and of sufficient property, would become answerable to the said Ezekiel John Dorsey, that, in case Fortune should finally be adjudged a slave, they would deliver him up to his master, and pay him reasonable wages from that time until he should be so delivered up, the said Fortune should be suffered to remain with such gentlemen, and should not be obliged to return to the said Ezekiel John Dorsey; and this the court was induced to do, in a great measure, from the declarations and conduct of the said Dorsey, of which they themselves were the witnesses; in consequence of which, seven citizens of this town, Elisha Tyson, Nathan Tyson, Elias Ellicott, George Dent, James McCannon, Adam Fonerden, and Henry Wilson, being then in court, entered into the recognizance required, and had the petitioner, Fortune, accordingly put into their charge and custody.

Your memorialists beg leave to state, that the petitioners, when they filed their petitions, were ready to have had them heard at that term, and at the term following; they were attending court, in the presence of their judges, and carried in their faces, and in their appearances at least, *prima facie* evidence of their being as much entitled to freedom as their masters.—It was on the part of their masters that testimony was necessary to be sought, and was actually sought, from New-York and the Jerseys, to destroy this *prima facie* evidence, by proving that, whatsoever features or complexion God and Nature had given them, their mother was a slave: And those who conducted the suits, being willing that the claimants should have every reasonable opportunity to investigate facts, and desirous to facilitate their examination, and to render it the least expensive, made no objection to every necessary delay for that purpose; and agreed that depositions, taken in any of the states, before a magistrate, should be received in evidence: And at August term, 1790, during the sitting of the court, the first depositions on the part of the masters were filed; and, although no attempt had ever been made, on the part of the petitioners, to urge a hearing without the fullest investigation of the facts; and although the masters only filed their testimony on the tenth day of that month, on the twelfth they had the modesty to urge, in the strongest terms, for an immediate hearing: And your memorialists still recollect, with astonishment, that the court were equally divided on that motion.

In order that your honourable house may be the more capable of judging, whether there has been any impropriety in conducting this business, and, if so, who is chargeable with that impropriety, your memorialists beg leave to state, that the testimony, then filed in the cause, were the depositions

depositions of David Kirkpatrick and George M'Eowen, taken before magistrates, and the testimony of William Thompson, and Stephen Hulse, taken on a commission, by which it was proved that the mother of the petitioners was a Mulatto, or Mulatto, and when a young woman, with an infant child was held as a slave by one Daniel M'Eowen, of Somerset county, in New-Jersey; and that she and her children had passed through the possession of a variety of masters, as slaves, until they had been removed up the North-River; but from whence the mother had come originally—of what parents she was born—whether they were free, or slaves—and whether she herself was born free, or a slave, no person who had been examined had any knowledge.

It was on this state of the evidence, which at least left all the merits of the case in total obscurity, that the masters urged a final decision, and endeavoured to prevent every opportunity of further examination, although the depositions of Kirkpatrick and M'Eowen, on which they principally relied, had been taken *ex parte*, and without cross examination; the petitioners, or any person on their behalf, not attending, nor having notice of the time or place of taking them.

Your committee have stated, that at this term, (to wit, August) the counsel for the petitioners, in consequence of the proof obtained by the defendants appearing to him satisfactory, "candidly acknowledged that there appeared to be no foundation for their claim for freedom, and that it had been supported by misrepresentation from beginning to end, and declared he would not be further concerned in the business."—That one of the petitioners' counsel did make such declarations, your memorialists acknowledge: They wish not to impute his conduct to improper motives; they can easily conceive that a gentleman, in habits of intimacy with the defendants and their connexions, having one of their brothers a student in his office, and placing an undue degree of confidence in their assertions, might be imposed upon by them; and this they can the more readily conceive, when they contemplate how grossly the same persons have imposed upon so respectable a body as your committee:—But your memorialists beg leave further to state, that the petitioners had *other* counsel, not less respectable in point of knowledge and integrity, who entirely differed in sentiment with that gentleman; and who, strongly impressed with the justice of the petitioners' claim, are determined that a fair and full investigation of it shall take place, without being discouraged by the arts of the defendants, or the influence of them or their counsel; and your memorialists, without designing to impeach the counsel whose conduct is stated in the report, cheerfully appeal to this honourable house, whether, on the facts here set forth, any imputation can lie against the counsel who refused to desert the petitioners.

Your memorialists further shew, that on the said twelfth day of August, it was prayed, on the part of the petitioners, that the petition might be continued, and commissions might issue to examine witnesses in different places; but, in consequence of the court's being divided as aforesaid, on the motion of the defendants for a hearing, it remained until the twentieth day of September, before the petition was continued, and commissions were ordered—by which a delay of more than five weeks was occasioned.

Your memorialists beg leave to state, that only one commission, in the said cause, was executed before the next court, which was held on the second Tuesday in November; but that an intelligent person, on behalf of the petitioners, waited upon William Thompson, Esq; one of the judges in Orange county, in the state of New-York, and there, in the presence of his lady, and divers other persons, took, from the mouth of the mother of the petitioners, her history, according to the best of her recollection, from the time of her first memory to that period; which Mrs. Thompson declared, from her knowledge of her veracity during near four-

teen years that she had lived in her family, she believed to be true; after which, the said agent for the petitioners went to the different places where she had been owned, and, on examination, found reason to be confirmed in his opinion of the truth of the story she had related; and was informed, by divers respectable characters, that she had uniformly told them the same story: He also found, that though she had always borne the character of a valuable slave, she had, generally, not remained long in the possession of any master, but was then in possession of the thirteenth; and that her children had been sold generally very young, and had gone through a number of possessors, and also had been disposed of at places remote from where they had been first known as slaves:—Your memorialists further inform this honourable House, that when the said agent had at last traced her back through her different owners, from Judge Thompson, of Orange county, to Daniel M'Eowen, of Somerset county, in the Jerseys, he discovered that the first knowledge they had of her in that neighbourhood was her being in Daniel M'Eowen's family, having come or been brought there when a young woman, with an infant child, that Mr. M'Eowen claimed her as a slave, and sold her as such, but that it was not known of whom he got her, or whence she came, except a general idea that it was from Philadelphia, or that neighbourhood.—With this information the aforesaid agent returned, by which the counsel for the petitioners discovered that the testimony, which would be most likely to elucidate the merits of the petitions, must be sought for in or about Philadelphia; but that time and diligence would be requisite before any thing certain could be expected to be established with respect to persons, who must have moved in so obscure and humble a station as herself and her parents, the last of whom must long since, from the course of nature, have ceased to exist, and the first of whom had been absent from that place for near or quite forty years.—The researches necessary were recommended to the society at Philadelphia.—Commissions were ordered at November term, to Philadelphia and Long-Island, to be used should any intelligence be obtained; but so difficult was the inquiry, and so short was the period from the November to the January term, that although some general intelligence of the petitioners' family was obtained in the intermediate time, yet nothing could be obtained sufficiently decisive.—In this stage of the business, at January term, the defendants insisted for a hearing of the petitions, without giving the petitioners an opportunity to procure any further testimony, or to make any further inquiries.—The court refusing to grant any further delay, the petitioners had no other alternative but to go to a final hearing while the true merits of their case remained involved in obscurity, and thereby, most probably, on the then state of the evidence, have had an adjudication against them, which would have been conclusive, and entailed upon them slavery, although their right to freedom should be, on further inquiry, ever so clear; or to avoid that misfortune by dismissing their suits, a privilege which the law gives to every person, and instituting their suits anew.—This part was taken by the petitioners' counsel; and your memorialists shall take no pains to vindicate the measure, confident that every member of your honourable house will, without a moment's hesitation, admit that, in doing otherwise, they would have been guilty of the most culpable violation of that duty they owed to their clients, the sacredness of which, they apprehend, in no degree depends on the grades of colour or complexion.

On the first petitions thus terminating, the gentlemen who had the charge of Fortune, under the former order of the court, delivered him to his master, in whose possession he has ever since been.

In prosecution of their petitions, so filed anew, at January term, 1791, the petitioners obtained a commission to Philadelphia, which was executed, and returned to the very

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next term, the March court following: At that court the defendants were not ready for trial; but urged a delay, that, on their part, they might have a commission to Philadelphia, to make those inquiries which might have been made by them on the execution of the petitioners' commission.—Their request was not opposed.—The masters obtained their commission to Philadelphia; and, on the part of the petitioners, were taken out also commissions to Philadelphia, New-York, and to Suffolk, and Morris counties, in New-Jersey; and in the execution of all these commissions, on the part of the petitioners, their mother (by consent of judge Thompson, her master) attended, in order that her identity might be clearly established, and that it might appear, in all those different places, the witnesses deposed to one and the same person.

At August term, and on the eleventh day of that month, all the commissions on part of the petitioners and defendants were returned, and the petitioners were again ready for, and desirous of, a decision; but the defendants, although they had had one commission to Philadelphia, alleged that they wished to have the cause continued, and take out another commission to the same place, to make further inquiry.—To this the petitioners consented. For your memorialists declare, and so the truth really is, that, on the part of the petitioners, there never has been an attempt to prevent the fullest investigation of the question, or to prevent all necessary indulgence and delay for that purpose; truth being the only object sought after by those who have conducted the suit on their part, whereas the defendants have uniformly strove, by every artifice in their power, and by the most unremitted exertions, whenever they thought the state of evidence was favourable to them, to urge on a hearing, and preclude all further inquiry.

By the consent of the petitioners, at August term, the petitions were continued over, and the defendants were permitted to renew their commission to Philadelphia; and, as the cause was continued, the commission, on the part of the petitioners, to Philadelphia, was also renewed, to be used, should inquiries be successful, in discovering other witnesses for the petitioners, who had not been examined. On the part of the petitioners, a witness was discovered, who is thought to be extremely material, and against whose competency or credibility your memorialists know of no objection; and every effort was used to have obtained an execution of their commission in time, as will appear by the affirmation of Mr. Townsend, filed in the said causes, a copy of which is among the vouchers which attend this memorial.

Your memorialists further state, that the commission, on the part of the defendants, to as aforesaid renewed, was executed, and returned to this last November court, by which commission the defendants have not attempted to disprove a single fact alleged by the petitioners, or to impeach the veracity or integrity of any witness which had been examined on their part. The defendants proved, and only proved, and that by Alexander House himself, that he, Alexander, was born at Kingston, in Jamaica, and that he had been held as a slave until, some years past, he was liberated by his master or mistress.

Your committee have reported that, "on the execution of the aforesaid commission, it was satisfactorily proved, that Sinai Elbert and Alexander House were incompetent witnesses, being born slaves, and manumitted some years since by their respective masters: And it was also proved, that Sinai Elbert was a person of obscene and indecent deportment, and infamous character; and Alexander House a drunken worthless fellow."—

Your committee have introduced their report, by observing that the Messrs. Dorleys "have stated and proved, to their satisfaction," &c. What proof was produced on this *ex parte* examination, or how easily your committee were

satisfied, your memorialists know not; but this they solemnly aver, that, in the execution of the above commission, it is not proved that Sinai Elbert was born or ever claimed as a slave; nor is it there proved, that "Sinai Elbert was a person of obscene and indecent deportment, and infamous character, and that Alexander House was a drunken worthless fellow;"—nor has any testimony been produced, by the defendants, attempting to impeach the characters of either of them.—For the truth of this assertion, your memorialists appeal to the testimony returned in that commission, a copy of which is also among the attending vouchers.—

Thus your memorialists have shewn, that the above statement of the proof, obtained by the defendants against Sinai Elbert, and the characters of her and House, are founded entirely in misrepresentation and falsehood; and leave your committee to that honest indignation, which they cannot but feel on thus having been imposed upon, and made the vehicle of the most groundless calumny.—During this last November court, on the application of the defendants, the court did determine, notwithstanding the aforesaid affirmation of Mr. Townsend, that they would not delay the hearing—not even to an adjourned court, at the distance of a few weeks, which was all that was requested; notwithstanding the court, for other purposes, adjourned to the 28th of November; afterwards, to the 5th of December; and now stands adjourned to the 19th of this same month.

To obtain which decision, it was strenuously urged, on the part of the defendants, that no essential injury could be suffered by the petitioners:—If they were not prepared sufficiently to bring forward their merits, they might dismiss their present petitions, and file new ones; although, afterwards, they strove to prevent the new petitions from being acted upon, and to fetter them with conditions which the laws of the state did not warrant; and which, in ninety-nine cases out of an hundred, would be attended with a total denial of justice to persons circumstanced as the petitioners were in the present case.

Your memorialists beg leave to call the attention of your honourable house to the following facts:—The petitions were originally filed at January court, 1790; on the eleventh day of August following, at the expiration of seven months only, the court was pressed by the defendants to order on a hearing, on which motion the court was equally divided.—At January, 1791, the expiration of one year only, the petitioners were obliged to dismiss their petitions, or go to a hearing unprepared. Since the filing the new petitions, less than ten months had expired, when, notwithstanding Townsend's affidavit, the petitioners were refused the delay of a few weeks, to execute and return a commission, which was only obtained at November court, two months antecedent; for the petitioners were not anxious to have a new commission, but were willing to take their chance of getting the commission of November court executed: Yet there is no law which limits the duration of petitions, and compels them to be heard within a certain time. When the last petitions were obliged to be dismissed, not more than twenty-two months had expired, since the petitioners first applied to a court of justice for redress; their case was of that nature, as must inevitably be attended with great difficulties and delays, to procure all the testimony, properly authenticated, to establish their claim, if just: Even in those cases, where the laws have limited the duration of actions, a plaintiff, however wealthy and well-informed of his rights, and of the evidence necessary to substantiate them, and although that testimony may be had in the county where the suit is depending, if the matter in dispute is above ten pounds value, cannot be forced to a hearing under twelve months; if his claim is of the value of an hundred pounds, not under two years; and if evidence is wanting from other states, the laws have provided

for a much longer time;—and where a commission has been issued, the parties, by law, have a right to a reasonable time for the execution—a much longer time than was asked in the present case, on the part of the petitioners.

Your memorialists mean not, by these observations, to become the accusers:—They simply state facts, but make no charges against any person:—They are sensible the best men are imperfect; and the scripture teaches, that overbearing, unwearied assiduity, will have considerable influence on the conduct of judges.

All your memorialists wish is to enable your honourable house to determine, if there has been any undue conduct, any hardship or oppression, attending their petitions, and the manner in which they have been conducted, who it is that have suffered thereby, and to whom they are to be imputed.

Your memorialists beg leave to observe that, by their interference, the Messrs. Dorseys have received no injury, since not one step has been taken by the petitioners, more than what the laws authorized them to take, if your memorialists had not acted in the business, except that the ignorance, poverty, and oppression of the petitioners might have disabled them from enforcing their rights, however well founded: In this the Messrs. Dorseys may think themselves injured; but your memorialists have no apprehension that the delegates of a free state, and the guardians of the rights of every individual therein, however poor and helpless, will concur with them in this sentiment; on the contrary, the Messrs. Dorseys do enjoy a very material advantage from your memorialists' interference; they are secure, if the petitioners are finally adjudged to be slaves, to be repaid those expenses, which they were liable to have sustained without the interference of your memorialists, and for which, in that case, they would have had no remedy; since your memorialists hold themselves bound, whenever they support a petition, if it is ultimately decided to be without foundation, to indemnify the defendants; this the Messrs. Dorseys well knew, and of this have had repeated assurances. But your memorialists do not hold themselves bound, either in justice, honour, or conscience, before a final investigation of the merits, to repay them any expense they have sustained in a cause in which they have had the dexterity and influence so far to impede, and as far as possible, render fruitless their investigations.

Your memorialists know not what expenses the Messrs. Dorseys may have incurred, but they know the court charges in these suits amount but to a small sum, and they can with truth aver, that they have used no endeavours, on their part, unnecessarily to procrastinate the suits, or accumulate the expense; one only object have they unweariedly pursued, the obtention of a full discovery of the truth relative to the petitioners, be that what it may; and to obtain for them that justice to which they shall appear to be entitled.—In the pursuit of this object, though malignity and misrepresentation may deprive your memorialists of the approbation of mankind, they cannot be deprived of the approbation of their own hearts, which, except that of their God, is the only need for which they are solicitous.

Your memorialists will be excused for the time of your honourable house, which they may have consumed, when it is considered, that they have been reluctantly forced into this measure, in their own vindication, having been condemned by the committee, without the ceremony of a hearing; and although your honourable house have thought the report worthy of being noticed, no measure has been adopted by the house, as your memorialists can learn, although their reputations are so cruelly attacked, by which they might be notified of that attack; a want of attention to your memorialists, which they humbly submit to this honourable house, whether warranted by the allegations in the report, that your memorialists are a society "numerous, wealthy, and influential," even though they should be

"composed principally of Quakers, Methodists, and emigrants from Ireland since the revolution," (of which last class, by the by, they believe there is but one in their number) "and connected with another society more numerous," and they might have added, extremely respectable, "in Philadelphia."—Your memorialists will take up no more of that time, which the business of the public demands, but feel the firmest confidence, that every member of this honourable house must be fully convinced, in the words of the report, with only a few material variations, "that whatever may be the views and intentions of the society in general, they have not, in this instance, interfered in an improper, indecent, and unjustifiable manner; and that their conduct has not been unjust and oppressive, but is warranted by every principle by which good citizens ought to be actuated;" and that every suggestion and idea, which has been entertained to the contrary, has been founded upon the grossest misrepresentation and imposition.

At a Special-Meeting, signed, in behalf of the Society, by

ALEXANDER M'KIM, Vice-President.

I hereby certify, that the foregoing is a true copy from the original.

Test, A. GOLDER, for
WILLIAM HARWOOD, Clk. Ho. Del.

HOUSE OF DELEGATES,

December 20, 1791.

THE report of the committee of grievances and courts of justice, on the complaint of Ezekiel J. Dorsey and Edward Dorsey, relative to the conduct of the abolition society, was read the second time, and witnesses examined at the bar of the house, in support of the said complaint. The question was then put, that the memorial of the said society be read. The yeas and nays being called for, by Mr. Comegys, appeared as follow:

Affirmative—Messrs. Carroll, J. Ringgold, Comegys, Scott, J. Worthington, N. Worthington, Wilkinson, Craik, Hawkins, Ridgely (of William), Ridgely, Gough, Cockey, Sherwood, Kerr, Tilghman, Denwood, Goldsborough, Leconte, Frazier, R. Bond, Hollingsworth, Oldham, Clark, O'Brien, Barnes, Holland, J. P. Marshall, Key, Beatty, Burkhart, Prall, Pinkney, Wilson, Douglais, Lockerman, S. Smith, M'Mechen, Ott—30.

Negative—Messrs. Thomas, Hopewell, T. Bond, Mercer, Chesley, Gantt, jun. M'Pherson, Waggaman, Lowes, Eccleston, Miller, Bowie, T. Marshall, Gantt, Quyn, Seney, Dennis, P. Smith, Love, Swearingen, O'Neale, Turner, Beall, Cresap, Tomlinson, Jacobs—26.

So it was resolved in the affirmative.

December 21, 1791.

THE house having gone through the report of the committee of grievances, on the complaint of Ezekiel John Dorsey and Edward Dorsey, respecting the conduct of the society, in Baltimore county, who style themselves "the Maryland Society for promoting the abolition of slavery, and the relief of free Negroes, and others, unlawfully held in bondage," in supporting the petitions in the criminal court of Baltimore county, preferred by Jonathan, alias Fortune, against Ezekiel J. Dorsey, and Simon, alias David, against Edward Dorsey, and the witnesses produced by them; and having also heard the said society, by their memorial, and the witnesses brought forward in support of it, THE QUESTION was put, "that the said society, in the part they took in support of the said petitioners, have conducted themselves in a most uncandid, unjustifiable, and oppressive manner, and their conduct cannot be justified upon any principle by which good citizens ought to be actuated."—The yeas and nays being called for, by Mr. Leconte, appeared as follow.

Affirmative—Messrs. Carroll, Hopewell, T. Bond, J. Ringgold, J. Worthington, Mercer, N. Worthington, Wilkinson, Chesley, Gantt, jun. Craik, Hawkins, M'Pherson, Chapman, Ridgely, of William, Ridgely, Cockey, Tilgh-

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man, Waggaman, Denwood, Lowes, Goldsborough, Eccleston, Miller, Oldham, Bowie, T. Marshall, Clark, Gantt, Quyn, Duvall, Seney, O'Brien, Barnes, Dennis, Holland, J. P. Marshall, P. Smith, Love, Pinkney, Douglass, Swearingen, O'Neale, Turner, Beale, Cresap, Tomlinson, Jacobs—48.

Negative—Messrs. Comegys, Scott, Gough, Sherwood, Lecompte, Frazier, R. Bond, Hollingsworth, Key, Beatty, Burkhardt, Prall, Wilson, S. Smith, M'Mechen—15.

So it was resolved in the affirmative.

Resolved, That the memorial of the said society is indecent, illiberal, and highly reprehensible, and, moreover, is as untrue as it is illiberal.

ON MOTION, The question was put "That it is the opinion of this house, that in all cases of petitions for freedom, now depending in any court of law of this state, except on appeal, where a similar petition or petitions, at the suit of the same party or parties, have been heretofore filed and dismissed, the court before whom such petitions are depending shall order a stay of all proceedings, until the costs of the former petition or petitions, and all reasonable damages and expenses, sustained by the master or masters, have been paid, or secured to be paid.—The yeas and nays being called for by Mr. Comegys, appeared as follow:

Affirmative—Messrs. Carroll, Hopewell, T. Bond, J. Ringgold, J. Worthington, Mercer, N. Worthington, Wilkinson, Chesley, Gantt, jun. Craik, Hawkins, M'Pherfon, Chapman, Ridgely, of William, Ridgely, Gough, Cockey, Tilghman, Waggaman, Denwood, Lowes, Goldsborough, Eccleston, Miller, Hollingsworth, Oldham, Bowie, T. Marshall, Clark, Gantt, Quyn, Duvall, Seney, O'Brien, Barnes, Dennis, Holland, J. P. Marshall, P. Smith, Love, Pinkney, Douglass, Swearingen, O'Neale, Turner, Beall, Cresap, Tomlinson, Jacobs—50.

Negative—Messrs. Comegys, Scott, Sherwood, Lecompte, Frazier, R. Bond, Key, Beatty, Burkhardt, Prall, Wilson, S. Smith, M'Mechen—13.

So it was resolved in the affirmative.

Resolved, That it is the opinion of this house, that if any petition for freedom, shall hereafter be filed in any court of law of this state, and dismissed, and a second petition filed, at the suit of the same party, the court in which such second petition may be filed, shall order a stay of all proceedings, until the costs of the former petition, and all reasonable damages and expenses sustained by the master, to be ascertained by the court, have been paid, or secured to be paid.

Resolved, That it is the opinion of this house, that in all cases where any petition for freedom shall be filed, in any county court, against any citizen or citizens of this state, the court shall inquire whether the master or masters be resident of the county, and if not, that such petition be dismissed.—On motion, leave was given to bring in a bill, pursuant to the proposition and resolutions last mentioned.—Ordered, that Mr. Pinkney, Mr. Mercer, Mr. Duvall, Mr. Craik, and Mr. Carroll, be a committee to prepare and bring in the same.

The following question being propounded to the house, viz. "Whereas the people of Maryland have happily an efficient government, adequate to all the purposes of society, and have subsisting laws, which, as administered by our courts of judicature, have been found abundantly sufficient to protect all descriptions of people in the enjoyment of their rights and privileges, without the intervention of any association of men whatever; therefore resolved, that the society for the abolition of slavery, established in Baltimore-Town, is altogether unnecessary; their conduct, as disclosed in the case of the Messieurs Dorseys, already become oppressive, and subversive of the rights of our citizens; and the principles of their association, as submitted to the house, repugnant to the laws and constitution of the state." The previous question was called for and put, that the said

question be now put.—The yeas and nays being called for by Mr. Ridgely, of William, appeared as follow:

Affirmative—Messrs. Carroll, Hopewell, T. Bond, Comegys, Mercer, Wilkinson, Chesley, Gantt, jun. Waggaman, Denwood, Lowes, Goldsborough, Frazier, Eccleston, Miller, Bowie, T. Marshall, Gantt, Quyn, Seney, Dennis, Holland, J. P. Marshall, Burkhardt, Love, Douglass, Swearingen, O'Neale, Beall, Tomlinson, Jacobs—31.

Negative—Messrs. J. Ringgold, Scott, J. Worthington, N. Worthington, Craik, Hawkins, M'Pherfon, Chapman, Ridgely, of William, Ridgely, Gough, Cockey, Sherwood, Tilghman, Lecompte, R. Bond, Hollingsworth, Oldham, Clark, Duvall, O'Brien, Barnes, Key, Beatty, P. Smith, Prall, Pinkney, Wilson, S. Smith, M'Mechen, Ott, Turner, Cresap—33.

So it was determined in the negative.

December 27, 1791.

Ordered, That the resolution respecting the conduct of the abolition society, and the opinion of this house on their memorial, with the yeas and nays, be published in the Maryland Gazette, Baltimore Journal, the George-Town paper, and Maryland Herald, and that five hundred copies thereof be struck for the use of the members of this house.

Attest, WILLIAM HARWOOD, Clk.
JAMES WINCHESTER, Ass't. Clk.

TO THE CITIZENS OF MARYLAND.

A COMPLAINT made, last session of assembly, by Messrs. Ezekiel John Dorsey and Edward Dorsey, to the committee of grievances, was productive of a report highly reflecting on "the Maryland Society for promoting the abolition of slavery, and the relief of free Negroes, and others, unlawfully held in bondage," of which the society having obtained a copy, they preferred their memorial to the house of delegates.—That house, afterwards, proceeded to act upon the report and memorial, and passed sundry resolves, not only concurring with the first, and giving their sanction to the charges therein, but also pointedly reprobating the last, and stamping the same, to the extent of their authority, with the dishonourable stigma of falsehood.

The house of delegates, not willing the public should wait for information of these their proceedings, till their journal should be published, and thereby obtain it in the usual mode, considering it a case of sufficient magnitude to deserve their particular and extraordinary interposition, ordered that the resolution respecting the conduct of the abolition society, and the opinion of the house on their memorial, with the yeas and nays, should not only be published in the Maryland Gazette, Baltimore Journal, the George-Town paper, and Maryland Herald; but also that five hundred copies thereof should be struck, for the use of the members of the house of delegates.

That their object, in this, was not to enable the public at large to decide on the merits of the society's conduct, the justice of the resolution respecting that conduct, or the propriety of the opinion on the memorial, must appear, from their publication not being accompanied either with the report of the committee of grievances, or that memorial, without which no judgment could be formed on those subjects.

What their object was we shall not presume to determine but leave to the sagacity of the public to discover, or to those who are in the secret to explain.

The tendency was certainly to impress the minds of our fellow-citizens, as far as the consequence and dignity of a house of delegates could give currency to resolutions and opinions, with an idea highly injurious to the members of the society as citizens; and, by making the first impression, to render more difficult their vindication.

The society regret the necessity to which they find themselves subjected, of making an appeal from the house of delegates to their constituents. No persons can be more sensible

able than we are of how much consequence it is, that those who are so highly entrusted—acting in so dignified a station, should be treated with decency, respect, and reverence—No persons can be more unwilling to detract from that decency, respect, and reverence:—But, while we are sensible how much is due to the house of delegates, we cannot forget that something also is due to ourselves; and the reverence of those who do not reverence themselves, is a homage unworthy the representatives of a free people.

We should hold ourselves undeserving the esteem of our fellow-citizens, if we did not prize that esteem sufficiently to endeavour to convince them we have not forfeited our right to it; and we too highly respect, not only that body, in its collective capacity, which has denounced us to the world, but also the individuals of which it is composed, to give up their good opinion; without an exertion to retain it:—We are determined respectfully to claim their attention; now they have retired into private life, to insinuate ourselves into their closets, and obtain a hearing when *passion, prejudice, or interest* may not interfere.—It is to enable our fellow-citizens, on this appeal, to decide with propriety, that we have undertaken, at this time, in aid of the defective publication directed by the house of delegates, to furnish the report of the committee of grievances, and the memorial preferred, to which, that the public may have the whole proceedings in one view, we have also prefixed the resolutions already published.

Our memorial has been declared, by the house of delegates, to be "*indecent, illiberal, and highly reprehensible.*" Fellow-citizens, we have put you in possession of it, and submit it to your candour; we wish, nevertheless, to observe, that during the time the committee of grievances had the complaint before them, were examining into its merits, and preparing that report (so highly reflecting on a numerous society, composed of individuals not altogether undeserving of respect, many of whom were known to the committee) no information of the charge was given to the members of that society, nor any opportunity afforded them of being heard.

That the report was grounded on an *ex parte* examination of the very persons whose interest was at stake, whose views were opposed by the society, who were solicitous to stifle all further proceedings on the petitions then depending in court, and who were under the joint influence of the two most powerful perverters of the human mind—INTEREST and RESENTMENT—together with the examination of such testimony those persons thought proper to produce, *to serve their purpose*; and that, after the report was made, though the house of delegates appointed a future day to act upon it, we do not yet learn any measures were taken, or meant to be taken, by that honourable house, to notify the society, or its members, that such a report had been made; or to give them an opportunity of bringing forward their vindication.

We do not profess to be particularly conversant in the law of parliament; but we are informed, and believe, it has been the practice, since the revolution, for the committee of grievances, when a complaint has been made which they thought deserving investigation, to give notice (if it conveniently could be done) to the person meant to be affected by such complaint; that he might, if it were in his power, or he thought it expedient, make his defence: Whether this has been the uniform practice, we cannot positively say; but we do not know of any case, except the present, wherein it has been otherwise; and it must be admitted, that *to hear the party accused*, before his *sentence* be pronounced, is a maxim superior to exception.

We did think that it would have been no more than *liberal, decent, and just*, to have apprized us of the complaint, and given us an opportunity of being heard *before* we were condemned; and we were surprised, and hurt, that the late committee of grievances had not thought a numerous society entitled to that justice, or that attention (call it which you please) that other committees of grievances had

thought due even to an individual; and we did mean our memorial to be expressive of our sentiments.

We are yet to learn, that to suppose a committee of the house of delegates not endowed with *infallibility*—to suppose that in an inquiry, made *ex parte*, they had been imposed upon by interested persons—had received, in certain cases, misrepresentation for truth—and had been made the vehicle of unfounded calumny—is either "*indecent, illiberal,*" or "*reprehensible.*"

We also acknowledge, that if to express to the house of delegates the idea, that there was a want of attention and justice to a numerous society of respectable citizens, in condemning them, on an *ex parte* examination, even though the idea might be erroneous, is "*indecent, illiberal, and highly reprehensible,*" we have yet to learn the precise situation in which the citizens of a free state stand, in relation to their representatives, and their right to express their sense of what they may consider a grievance.

We would also observe, that if the feelings of the members who composed the committee of grievances, or the house of delegates, are so *exquisitely nice* to even the shadow of disrespect, they ought to have remembered, that their fellow-citizens have also *their feelings*; and they ought so far to have respected those feelings, as not to have wounded them, but on the conviction of justice and necessity, founded on the most liberal inquiry: We might have expected, also, wide as the difference may be between *our* and *their* situation, that they would have shown some indulgence to us, when only exercising a privilege claimed by all, and granted even to the humblest individual of society. Far from intending disrespect, either to the house of delegates, or their committee, we thought we treated them with decency, and, at the same time, we doubted not, with justice, in expressing our belief, that the groundless allegations, stated in the report, flowed from misrepresentation made to the committee, and not from a design in them to impose upon the house of delegates: Moreover, we conceived it our right, as citizens, with DECENCY and FIRMNESS to urge our complaint.

And, in addition to the misrepresentations pointed out in the memorial, we might ask the committee, whether it was from *their own knowledge*, or on whose testimony or representation, they reported the society to be composed principally of Quakers, Methodists, and emigrants from Ireland since the revolution, when it is an incontrovertible fact, that the society consists, indiscriminately, of almost every religious profession,—Quakers, Methodists, Episcopalians, Dutch-Lutherans, Dutch Calvinists, Presbyterians, and Baptists, and almost wholly of citizens either born in America, or who resided here before the revolution; there being, in their whole number, but one native of Ireland, who came to the United States since that event: We might also ask the committee, for what purpose this was made a part of the report—Did they imagine that the merit, or demerit, of the society's conduct depended either on their religious principles, or the birth-place of its members?—or did they mean, by representing the society to be composed of such members, to rouse the indignation of the house, or to insinuate that the Quakers and Methodists of Maryland, and the emigrants from Ireland since the revolution, who have become naturalized subjects, are obnoxious to government, and not entitled to the common privileges and protection of citizens? We forbear to ascribe such motives to the committee, and leave their reasons, for that part of the report, to themselves to explain, or to the world to determine: At the same time, we confess, we are at a loss to conjecture any purpose for which it could have been introduced, that will reflect much credit on the committee.

Nor is that part of the report better supported by TRUTH, wherein they assert, that the Messieurs Dorseys had incurred expenses in travelling to Pennsylvania, New-Jersey, and New-York, and attending the execution of com-
missions,

missions, to the amount of two hundred and fifty pounds—whereas, the whole of these expenses, which they had at that time incurred, amounts, even by their own account, only to the sum of ninety-six pounds six shillings and three pence—but little more than *one third part* of the sum reported by the committee!

We still repeat “we know not what evidence was produced, on that *ex parte* inquiry, to satisfy the committee of these facts; nor do we know how easily they were satisfied;” but this we know, that these facts, as stated in the report, though they might have been warranted by representations, are nevertheless NOT WARRANTED BY TRUTH.

Whether our memorial is “*indecent, illiberal, and highly reprehensible*,” is matter of opinion: It is a subject on which good men may honestly differ: We thought it decent; but perhaps the public mind may be divided upon it; some may condemn it, while others, we hope, will give it their approbation, as being equally free from SERVILITY and INSOLENCE, and breathing the manly spirit of free citizens who felt themselves injured.

The house of delegates have proceeded much farther: After declaring the memorial to be “*illiberal*,” they have, by the same resolve, declared it to be as “*untrue as it is illiberal*!” This is a serious charge; a direct attack on the moral rectitude, the honour and integrity of the members who compose the society, and who preferred the memorial.

Justice to ourselves and to our character, thus publicly impeached; justice to the cause of BENEVOLENCE and HUMANITY, our exertions in which have exposed us to this charge; and justice to the COMMON RIGHTS OF MANKIND, of which we are the humble assertors, and which, through us, we apprehend, are dangerously attacked, forbid us to suffer a charge of so aggravated a nature, made by so respectable a body, to pass unnoticed.

We regret that the members of the house of delegates suffered themselves to be impelled, by the circumstances of the moment, to hazard this charge; we also regret that, afterwards, they did not give a noble proof of temper and candour, by erasing it from their journals: We then should not have been unavoidably compelled to this public appeal, which if we make with reluctance, it is not because we fear the result. Why would a victorious majority pursue their triumph so far, as to render it impossible for us to be silent, without being considered guilty, by all unacquainted with the objects of the society, and character of its members?—Did they apprehend we were too abject to be heard, or themselves too exalted to be summoned, to the tribunal of the public?

We solemnly declare to you, our fellow-citizens, that in stating the facts which appear in our memorial, we strictly endeavoured to confine ourselves to the truth: We had no intention to impose upon the house of delegates either falsehood or misrepresentation: We are, to this moment, utterly at a loss to know wherein those who framed, or concurred in that resolution, believed, or wished others should believe, our memorial unfounded in truth; and think it in our power fully to satisfy our fellow-citizens (by record and other unexceptionable evidence) that the facts therein are truly stated.

When the house of delegates passed that resolve; when they shewed that extraordinary zeal to diffuse, not only through the state, but consequently throughout the union, the charges with which they have stigmatized us, they gave us consequence, even if we had none before:—This, our appeal, will circulate as diffusively as their resolutions; and, if no attempt is made in support of the charge, the public mind will not long hesitate in deciding between us: The charge will be considered as made, not because it was just, but because it was necessary—necessary, to give credit and weight to the antecedent resolution, stigmatizing the society’s conduct in supporting the petitions instituted against the Messrs. Dorseys; the justice of which resolution must stand

or fall with the truth or falsehood of our memorial. Let the truth of the facts, stated in the memorial, be admitted; and to you, our fellow-citizens, we cheerfully appeal, whether we have discovered any principles by which good citizens ought not to be actuated; nay, in which the best of citizens, the humane, the benevolent, the enemies of oppression, the friends of the distressed, the advocates of the most inestimable rights of human nature, might not glory.

If the facts, stated in our memorial, are true, the public will seek in vain for those instances of our interference, which have been *improper, indecent, and unjustifiable*—or of our conduct, which have been *unjust and oppressive*; and we call on the most zealous advocate for the report of the committee, to point out that instance of our interference, or of our conduct, which can justify the epithets the house of delegates have bestowed upon us.—On this subject, also, we are prepared to meet our most impassioned accuser.

The petitions were originally preferred, from the strongest impressions that the petitioners were unjustly deprived of their freedom:—They were prosecuted, because, upon further investigation, the society had no reason to believe their first impressions erroneous; on the contrary, many facts appeared which, in their opinion, confirmed them.

If the petitions were dismissed, and new ones preferred, it was caused by the conduct of the defendants; the court, at their instance, having thought proper to compel either a dismissal, or a hearing, when that hearing could not be on the merits.—And even this event, which was, on the part of the petitioners, an act not of choice, but of necessity, was productive of not one farthing’s additional expense* to the Messrs. Dorseys.

All the expenditures which the defendants have made in their journeys, in search of evidence, and in attending the execution of commissions, originated in the nature of the case, and would have been equally necessary, before the merits of the cause could be decided, whether the hearing had been on the first or the other petitions:—And the court charges, or costs of suits, were increased to the defendants, by the dismissal of the petition, not to the amount of a farthing more than they would have been had the original petitions never been dismissed, but yet remained undetermined.† This we have thought necessary to state to our fellow-citizens, because we have reason to believe the dismissal of the petitions originally preferred, and their subsequent renewal, has been the subject most forcibly dwelt upon, amongst those who were unacquainted with all circumstances, to impress the idea of hardship and oppression, on the part of the society; and because it has been productive of an act of assembly, on which we shall make no strictures, as they are not necessary for our vindication.

We have now discharged that duty, which we owe to ourselves, and to that community of which we are a part. We have explained such parts of our conduct, in this transaction, as have been impeached—we have called upon our accusers to come forward, and support those charges, which we protest to be unfounded—and we have laid before our fellow-citizens the information necessary to enable them to form a decision:—That decision cheerfully awaiting, we here, for the present, rest our vindication.

Read, approved, and ordered to be published, at a meeting of the Society, on the 4th of February, 1792.

JOSEPH TOWNSEND, Secretary.

* The clerk, in taxing the defendants’ costs on the petitions, has not taxed an attorney’s fee—if he is right therein, the defendants incurred no additional costs by the dismissal and renewal of the petitions.—If a fee to the defendants’ attorney ought to be taxed in these cases, then each renewal of the petitions was productive to the defendants of an additional attorney’s fee, but of no other additional cost.

† The bill of costs, as taxed by the clerk, with which Doctor Dorsey stands chargeable, from the time of filing the original petition to the time of his application to the committee of grievances, amounts to no more than fifteen shillings and three-pence.

The costs of the other defendant, we suppose, amount to the same.

